

FROMMER LAWRENCE & HAUG LLP

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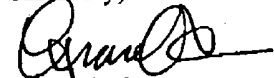
To: Examiner Regina M. DeBerry (Art Unit 1647)
Firm: United States Patent and Trademark Office
Facsimile: (703) 305-7230
From: Grace L. Pan
Date: February 9, 2004
Re: Applicant : Douglas T. DIETERICH
Serial No. : 09/862,404
Filed : May 21, 2001
Title : Method of Treating Anemia caused by Ribavirin
Treatment of Hepatitis C using Erythropoietin Alpha
FLH Ref. No.: 144002-2001
Number of Pages: 22
(including cover page)

If you do not receive all pages or are unable to read the transmission, please call.

Dear Examiner DeBerry:

Further to our telephonic interview, attached is a fax copy of the Amendment After Final with a Petition for an Extension of Time and a Request for an Interview ("Amendment"). The original Amendment with check no. 030426 in the amount of US\$ 55.00 to cover the one-month extension fee are being sent to you via Express Mail # EV286858054US today.

Sincerely,



Grace L. Pan

Registration No. 39,440

CONFIDENTIALITY NOTICE

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00174771

Mailed via Exp-Mail on 02/09/04

Serial No. 09862,404 File No. 144002-2001 By QLP
Title in the Matter of the Application of Method of Treating Anemia et al.
Applicant(s)/Inventor(s) Douglas G. Dieterich
The following due _____ in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration ☐ Express Mail Mailing Label # EV286858054US
☒ Amendment (Facsimile) ☐ (separate sheet)
☐ Preliminary Amendment ☒ Check No. 030426 for \$ 55.00
☐ Amendment After Final Rejection ☐ Deposit Account Order Form
☐ Request for Extension of Time ☐ Drawing _____ Sheet(s)
☐ Provisional Patent Application ☐ Information Disclosure Statement
☐ Application for Patent, including ☐ PTO Form 1449
_____ Pages Specification _____ Claims _____ Abstract
☐ Declaration ☐ Oath ☐ Power ☐ Issue Fee/Publication Fee Transmittal
☐ Request for Filing Continuation or Divisional ☐ Appeal Brief (triplicate) ☐ Letter
Application _____ sheets ☐ Application for TM Registration
☐ PCT Request _____ sheets, including _____ Including _____ Specimens
☐ Transmittal Letter ☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Request for Continued Exam (RCE) ☐ Petition ☐ Response
☐ Assignment ☐ Priority Document ☐ Statement of Use
☐ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☐ Diskette with Sequence Listing ☐



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THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

FROMMER LAWRENCE & HAUG LLP

APPLICANT: <u>DIETERICH</u>		FI & H DOCKET NO.: <u>144002-2001</u>
SERIAL NO.: <u>09/862464</u>		
TITLE: <u>METHOD OF TREATING ANEMIA</u> CLASSIFIED BY: <u>CLERK/2001</u>		
<input type="checkbox"/> APPEAL BRIEF	<input type="checkbox"/> PETITION FEE	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Douglas T. DIETERICH
Serial No. : 09/862,404
Filed : May 21, 2001
Title : **METHOD OF TREATING ANEMIA CAUSED BY
RIBAVIRIN TREATMENT OF HEPATITIS C USING
ERYTHROPOIETIN ALPHA**
Examiner : Regina M. DeBerry
Art Unit : 1647
Confirmation No. : 8918

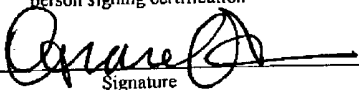
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EXPEDITED PROCEURE
RESPONSE FILED UNDER 37 C.F.R. §1.116

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I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Grace L. Pan, Registration No. 39,440

Type or print name of
person signing certification


Signature

February 9, 2004

Date of Signature

**AMENDMENT AFTER FINAL WITH A PETITION
FOR AN EXTENSION OF TIME AND A REQUEST FOR AN INTERVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Final Office Action mailed on October 7, 2003 setting a
three-month term for reply. The Applicant respectfully requests a one-month extension of time

PATENT
144002-2001

to respond to this Office Action, making this Response due on February 9, 2004 (since February 7 is a Saturday).

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), Applicant respectfully requests a one-month extension of the period to reply to the October 7, 2003 Office Action, *i.e.*, up to and including February 9, 2004 (since February 7, 2004 is a Saturday) is requested. Enclosed is check No. 030426 for the \$55.00 small entity fee under §1.17(a). The Commissioner is hereby authorized to charge any additionally required fee or credit any additional payment to Deposit Account No. 50-0320.